S.B. CIVIL REVISION PETITION NO.436/2003

Manohar Singh vs. Gheesa and others.

Date : 4.8.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. J Chopra, for the petitioner.
Mr. RR Nagori, for the respondents.

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Heard learned counsel for the parties.

After going through the reasons given in the impugned order, I do not find that the court below has committed any illegality in rejecting the application of the petitioner for being impleaded as party under Order 22 Rule 4 CPC. Neither the petitioner could have been impleaded as party under Order 22 Rule 4 CPC nor under Order 22 Rule 10 CPC as according to the petitioner himself, he is claiming devolution of interest in the property in question from the time prior to the filing of the suit as according to the petitioner, the property in question was sold by the deceased Ratna Ram on 17.12.1959 and the purchaser Maharata sold the property to Surajmal, father of the petitioner.

In view of the above, even if the application is considered under Order 1 Rule 10 CPC, then also such application, after such an inordinate delay in a suit which was originally filed in the revenue court and was transferred to the Civil Court in 1974, cannot be accepted.

In view of the above, I do not find any merit in this revision petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya